

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>09 - 402</u>
v.	:	DATE FILED: <u>June 16, 2009</u>
GABRIELLE WARD	:	VIOLATION:
	:	18 U.S.C. § 641 (conversion of government funds – 1 count)
	:	Notice of forfeiture

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this information:

1. The Social Security Administration (“SSA”), an agency of the United States, administered certain government benefit programs, including the Supplemental Security Income (“SSI”) program, pursuant to Title 42, United States Code, Sections 1381-1383f.
2. The SSI program, which was funded through general tax revenues of the United States, provided monthly cash benefits to individuals who were age 65 or over, or who were “disabled” and who demonstrated financial need, as determined by his or her “income” and “resources,” as those terms were defined for purposes of the Social Security Act.
3. The grandmother of defendant GABRIELLE WARD, identified in this information as “M.D.,” received SSI benefits during her lifetime. The SSA mailed M.D.’s SSI payments to her addresses of record or deposited them directly into her bank account.
4. M.D. died on December 15, 1995.

5. SSA was not timely notified of M.D.'s death, and continued to mail M.D.'s monthly benefits checks to her residence, where defendant GABRIELLE WARD continued to live, or deposit them directly into M.D.'s bank account.

6. In or about December 2005, approximately ten years after M.D.'s death, SSA learned of M.D.'s death, and terminated her SSI payments.

7. Defendant GABRIELLE WARD improperly received approximately \$71,393.00 in SSI payments that were intended for M.D., who was deceased, which defendant WARD knew she was not entitled to receive.

8. The Railroad Retirement Board ("RRB") is an agency of the United States which, among other things, administered an annuity pension plan for eligible widows of deceased railroad workers. In relevant part, entitlement to a widow's annuity terminated with the death of the annuitant, that is, the widow.

9. M.D. received an RRB widow's pension during her lifetime.

10. Each month, the RRB mailed an annuity payment to M.D.'s address of record, where she lived with her adult granddaughter, defendant GABRIELLE WARD, or deposited them directly into her bank account.

11. The RRB was not timely notified of M.D.'s death. Unaware that she had died, the RRB continued to mail monthly annuity checks to M.D.'s residence, where where defendant GABRIELLE WARD continued to live, or deposit them directly into M.D.'s bank account.

12. In or about December 2005, approximately ten years after M.D.'s death, RRB learned of her death, and terminated her annuity payments.

13. Defendant GABRIELLE WARD improperly received approximately \$6,388.86 in RRB widow's annuity payments that were intended for M.D., who was deceased, and which defendant WARD knew she was not entitled to receive.

14. Beginning in or about December 1995 and continuing through in or about December 2005, in the Eastern District of Pennsylvania and elsewhere, defendant

GABRIELLE WARD

knowingly converted to her own use money of the United States in excess of \$1,000, that is, approximately \$71,393.00 in SSI payments and \$6,388.86 in RRB widow's annuity payments that were intended for M.D., who was deceased, for a total of \$77,781.86.

In violation of Title 18, United States Code, Section 641.

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. As a result of the violation of Title 18, United States Code, Section 641, set forth in this information, defendant

GABRIELLE WARD

shall forfeit to the United States of America the sum of \$77,781.86.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 981(a)(1)(C).

MICHAEL L. LEVY
United States Attorney